

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OSMONDO DWAYNE SMITH,

Plaintiff,

-against-

SUPERINTENDENT MILLER; JANE DOE (1);
JANE DOE (2), WORKING IN THE MAIL
ROOM,

Defendants.

23-CV-5811 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated September 5, 2023, the Court directed Plaintiff to file an amended complaint within 60 days. (ECF 10.) Plaintiff did not file an amended complaint, but on October 13, 2023, the Court received from Plaintiff a 9-page letter with approximately 140 pages of additional documents attached. (ECF 12.) Because it was unclear whether Plaintiff intended that submission as an amended complaint, and because the submission did not cure the deficiencies identified in the Court's September 5, 2023 order to amend, by order dated January 13, 2024, the Court granted Plaintiff an additional 30 days' leave to file an amended complaint. (ECF 13.) That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* ("IFP") under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: March 13, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge